

In the Court of Appeals of the State of Alaska

Darren Silas,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-13619**

Order

Appellate Rule 215

Date of Order: **6/1/2020**

Trial Court Case No. **3KN-10-01789CR**

Before: Chief Judge Allard, and Harbison, Judge

Darren Silas was convicted of second-degree sexual abuse of a minor and received a sentence of 24 years in jail with 12 years suspended and 10 years of probation. He later violated his probation, and the trial court revoked 18 months of the suspended jail time. Silas filed a sentence appeal, and we granted expedited consideration of the appeal. In our order granting expedited consideration, we notified the parties of our tentative decision to remand this case to the trial court for clarification of the basis for the court's sentencing decision and reconsideration of the sentence, if appropriate. As we noted in our order, our primary reason for the remand was the trial court's failure to adequately explain the basis for its decision. We were also concerned about some of the court's comments. We then gave the State an opportunity to respond to our proposed resolution.

The State has now responded. In its response, the State argues that the

totality of the record provides a sufficient basis to affirm the trial court's sentencing decision. The State acknowledges that the trial court's comments were "brief," but it notes that this Court may infer appropriate findings if the record clearly establishes the sentencing judge's reasons for imposing the sentence.

The difficulty we face here is that the trial court's comments were very brief, and they included comments that suggested that the court may not have conducted its own independent evaluation under *Chaney*.

At the end of the State's response, the State requests that "this matter proceed to full briefing." But additional briefing will not correct what is currently an ambiguous record on sentencing.

Accordingly, this matter is **REMANDED** to the trial court for clarification of the basis for the court's sentencing decision and reconsideration of the sentence, if appropriate. The court may hold another sentencing hearing at its discretion. We retain jurisdiction. Unless the time is extended for good cause, the trial court shall conduct further proceedings and clarify the sentencing decision within 60 days. When we resume our consideration of this case, the parties will be given an opportunity to provide supplemental briefing as needed.

Entered at the direction of the court.

Silas v. State, File No. A-13619
June 1, 2020 - p. 3

Clerk of the Appellate Courts

A handwritten signature in black ink, reading "Joyce Marsh". The signature is written in a cursive, flowing style. The first name "Joyce" is written with a large, looped 'J' and the last name "Marsh" is written with a large, looped 'M'.

Joyce Marsh, Deputy Clerk

cc: Court of Appeals Judges
Judge Lance Joanis
Central Staff Attorney
Distribution:

Email:
Case, David A, Public Defender
Olson, Mackenzie